

0212.67006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Marc V. Marini

Serial No.: 10/760,110

Conf. No.: 7346

Filed: 1/16/2004

For: TOOL-LESS BLADE CLAMPING
APPARATUS FOR A
RECIPROCATING TOOL

Art Unit: 3722

Examiner: Talbot, Michael

**APPELLANTS' SUPPLEMENTAL REPLY BRIEF
TO EXAMINER'S SUPPLEMENTAL ANSWER
PURSUANT TO 37 CFR § 41.41**

This Supplemental Reply Brief is in response to the Examiner's Supplemental Answer mailed September 10, 2008. The examiner rejected claims 1-4 under 35 U.S.C. 102(b) as being anticipated by Kakauchi U.S. 2002/0017026 (Figs. 8-12).

The embodiment of Figs. 8-12 is described as a second representative blade mounting device and is completely different from the first representative blade mounting device shown in Figs. 1-7. The first embodiment shown in Figs 1-7 was not a basis for any rejection of the claims on appeal. **The fact that Fig. 6 shows shoulders that are also identified as 3c is irrelevant to the shoulders 3c shown in the embodiment of Figs. 8-12.**

What is regrettable is the fact that the examiner fails to recognize that the shoulders 3c in Fig 12, (only the upper one of which is labeled) correspond to applicant's claimed shoulders. More particularly, claim 1 is again set forth and selectively emphasized:

1. A tool-less blade clamping apparatus for a reciprocating tool of the type which has a reciprocating plunger with at least one radially oriented aperture and a blade receiving slot at its forward end for receiving a blade of the type which has a shank portion with a hole and *outwardly extending shoulders on opposite sides thereof* between the distal end of the shank and a blade portion, the shank being configured to be inserted in the slot, the apparatus being configured to be attached to the plunger and having an opening for receiving the blade shank therein and in the slot, said apparatus comprising:

said apparatus having an unclamped position and a clamped position wherein the shank portion of the blade can be inserted into said opening when it is in said unclamped position and be securely retained therein with the shoulders engaging the apparatus when in said clamped position;

said apparatus being biased toward said clamped position;

said apparatus being configured to maintain its unclamped position when placed in said unclamped position;

said apparatus being released when the shoulders of the blade shank portion engage said apparatus as the shank portion is inserted into said opening and slot a predetermined distance to thereby place said apparatus in said clamped position;

said apparatus engaging the shoulders of the blade and pushing the blade shank portion outwardly when said apparatus is moved to said unclamped position.

The relevant structure and functionality of the embodiment shown in Figs. 8-12 is described in paragraphs 0072 and 0073 and are repeated here:

[0072] An auxiliary sleeve 59 also may be disposed between the rod 52 and the blade lock operating sleeve 53. An auxiliary pin 60 may be disposed between the auxiliary sleeve 59 and the rod 52. The auxiliary sleeve 59 and the rod 52 may be integrally formed and preferably have a unitary or seamless construction. The blade clamping pin 51 is inserted into the support hole 52c through a hole 59a of the auxiliary sleeve 59. The hole 59a preferably has an inner diameter that is larger than the diameter of the blade clamping pin 51. The spring 58 is positioned within the hole 59a.

[0073] As shown in FIG. 12, a shoulder 3c of the blade 3 contacts the front surface (i.e., the left surface in FIGS. 8 and 10) of the auxiliary sleeve 59 and therefore, the blade 3 can be stably and reliably mounted. During operation of the reciprocating saw 1, vibrations and/or the cutting resistance exerted on the blade 3 may be received by the auxiliary sleeve 59 without transmitting such vibrations and/or the cutting resistance to the blade clamping pin 51. In other words, outside forces preferably are not transmitted to the blade clamping pin 51 due to the auxiliary sleeve 59 that is integrated with the rod 52. Therefore, smooth movement of the blade clamping pin 51 can be ensured.

As is clearly described in paragraph 0072 of the Kakauchi specification, the auxiliary sleeve 59 is attached to the rod 52 by auxiliary pin 60 and does not move. Therefore, it cannot anticipate or suggest claim 1 and particularly the emphasized text of the last two paragraphs above.

The auxiliary sleeve 59 is what the two outwardly extending shoulders of the blade of this embodiment contact and the shoulders do not engage the apparatus as the shank portion is inserted into said opening and slot a predetermined distance and thereby place said apparatus in said clamped position. These shoulders also do not push the shank portion outwardly when said apparatus is moved to said unclamped

position. Moreover, paragraph 0073 states purported advantages of the particular operation of this embodiment in that vibrations and/or cutting resistance exerted on the blade 3 may be received by the auxiliary sleeve 59 without transmitting such vibrations and/or cutting resistance to the blade clamping pin 51. The very differences are stated to be important considerations in the Kakauchi structure and operability. For these reasons, it is believed that claim 1 is not anticipated, taught or suggested by the Kakauchi reference.

For the above reasons, applicants respectfully request the Board to reverse the outstanding rejection. The case should then be permitted to pass to issue.

Respectfully submitted,

GREER, BURNS & CRAIN, LTD.

/Roger D Greer/

By

Roger D. Greer
Registration No. 26,174

February 5, 2009

300 South Wacker Drive, Suite 2500
Chicago, Illinois 60606
(312) 360-0080
Customer No. 24978